

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
July 25, 2008**

The Board of Supervisors of Maricopa County Arizona convened in Special Session at 10:05 a.m., July 25, 2008, in the Tom Sullivan Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3 (attended telephonically); Max W. Wilson, Vice Chairman, District 4, designated acting chairman for this meeting; Fulton Brock, District 1 (attended telephonically); Don Stapley, District 2 (attended telephonically) and Mary Rose Wilcox, District 5 (entered late). Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Deputy County Manager and Chris Keller, Chief Counsel, Civil Division. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

1. AUTHORIZE LETTER TO THE ATTORNEY GENERAL AND AUTHORIZE LEGAL ACTION

Authorize the Board of Supervisors to jointly sign and send a letter to the Arizona Attorney General regarding A.R.S. §28-8481 and Arizona Attorney General Opinion No. 108-003 (R08-011) issued March 20, 2008; and further authorize legal counsel to take all necessary legal action consistent with the letter, as discussed in Executive Session on July 23, 2008. (C-19-09-015-M-00)

The Board asked to review this matter in Executive Session.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to recess into executive session for the purpose of obtaining legal advice from the Board's attorney on the above matter. All members remained in session when the meeting reconvened.

Those present in Executive Session:
Joy Rich, Assistant County Manager,
Kevin Costello, Deputy County Attorney
Chiefs of Staff Bloom, Isham, Leija

~ Supervisor Wilcox entered the meeting at 10:10 a.m. ~

OPEN SESSION RECONVENED

Chairman Wilson reconvened open session to take a vote on the open agenda item that was discussed in executive session.

Supervisor Wilcox said that the County must have a decision on this open question of counties withholding building permits whether it comes from the State or the courts.

Chris Keller clarified that all parts of the agenda item would be included in the vote, including the wording change on page four of the letter. Clerk of the Board Fran McCarroll read the change to the 3rd and 4th line of the top paragraph on page 4 of the letter, as follows:

From:

"Advice from our attorney"

To:

"Advice from outside counsel appointed by the County Attorney"

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Mr. Keller said the change did not affect the substance of the letter and county counsel had no problem accepting this amended language.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the Board of Supervisors to jointly sign and send a letter to the Arizona Attorney General regarding A.R.S. §28-8481, and Arizona Attorney General Opinion No. 108-003 (R08-011) issued March 20, 2008; with the change as noted on page 4 of the letter, and to further authorize legal counsel to take all necessary legal action consistent with the letter.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board